

Mark Manning

From : "Mark Manning" <manning@alaska.net>
To : birnberg@birnberg.com
Date : Tue, May-16-2006 10:28 AM
Subject : RE:

The reason was apparently mistakenly applying the 20 day period for answering a counter-claim rather than the 10 day period for answering an amendment. The new counter-claim is not an amendment to a previous counter-claim, but evidently the clerk feels the 10 day limit applies. The new counter-claim was served on April 18. 20 days plus 3 for electronic service results in a May 11 deadline.

Apropos the Alaska Supreme Court cases previously cited establishing a rule of conduct in this state, you may wish to note that Rule 8.5 of the Alaska Rules of Professional Conduct provides that an out of state lawyer specially admitted in court here is "subject to the disciplinary authority of this state" to the same extent as an Alaska Bar member.

The court allowed Defendants to plead a new counter-claim 15 months after the deadline for amending pleadings. Surely you don't imagine the court that did that would not set the default aside.

Mark Manning

> -----Original Message-----

> From: Cory Birnberg <birnberg@birnberg.com>
> To: "Mark Manning" <manning@alaska.net>
> Date: Mon, May-15-2006 7:55 PM
> Subject: RE:
>
> Mark,
>

> What is your reason that you failed to answer timely?

>
>

> Cory A. Birnberg

>
> Cory A. Birnberg
> Birnberg & Associates
> Voice: (415) 398-1040
> Fax: (415) 398-2001
> E-mail: birnberg@birnberg.com
> Website: www.birnberg.com

> THIS MESSAGE IS FROM MY LAPTOP AND MEANS THAT I AM PROBABLY OUT OF THE
> OFFICE AND MAY NOT BE ABLE TO REPLY PROMPTLY TO YOUR ELECTRONIC REPLY
> *****

> PRIVILEGE AND CONFIDENTIALITY NOTICE

> The information in this electronic mail is intended for named
> recipients
> only.
>

> -----Original Message-----

> From: Mark Manning [mailto:manning@alaska.net]
> Sent: Monday, May 15, 2006 7:24 PM
> To: Cory; Joseph
> Subject:
>

Exhibit 1
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